

**Notice of Public Hearing of the
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on February 9, 2023 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	Agenda Hearing Officer Public Hearing City Hall Council Chambers One City Plaza Thursday, February 9, 2023 9:30 a.m.
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City Hall Council Chambers will be open with limited public access.

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer Secretary at email address planning@yumaaz.gov no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

CALL TO ORDER

CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

- January 12, 2023

APPLICATIONS TO BE CONSIDERED

1. **VAR-40941-2022**: This is a request by Del Outdoor Advertising, Inc., on behalf of Ortiz Plaza, LLC, for a variance to increase the maximum allowable wall-mounted signage from 24 square feet to 94 square feet in the Transitional/Infill Overlay (TR/IO) District, for the property located at 1606 S. 6th Avenue, Yuma, Arizona.

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373

**Hearing Officer Meeting Minutes
January 12, 2023**

A meeting of the City of Yuma's Hearing Officer was held on January 12, 2023, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Robert Blevins, Principal Planner and Alejandro Marquez, Administrative Specialist.

Rodriguez called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Rodriguez approved the minutes of September 8, 2022 & November 10, 2022.

PUBLIC HEARINGS

VAR-40750-2022: *This is a request by Michael and Susan Stensland for a variance to reduce the required minimum side yard setback from 7 feet to 0 feet, and increase the maximum lot coverage from 50% to 56.3% for the construction of a new shed and shade structure in the Recreation Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32nd Street, Lot #1142, Yuma, AZ.*

Robert Blevins, Principal Planner, summarized the staff report and recommended **Approval**.

QUESTIONS FOR STAFF

Rodriguez asked if the variance was for an existing structure. **Blevins** replied no.

APPLICANT/APPLICANTS REPRESENTATIVE

Susan and Michael Stensland, 5707 E. 32nd Street, Yuma, AZ, were present and available for questions.

OPEN PUBLIC COMMENT

None

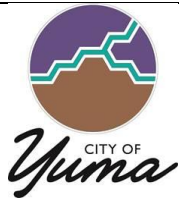
DECISION

Rodriguez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Rodriguez adjourned the meeting at 9:35 a.m.

Minutes approved and signed this _____ day of _____, 2023.

Hearing Officer



**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Erika Peterson**

Hearing Date:

February 9, 2023

Case Number: VAR-40941-2022

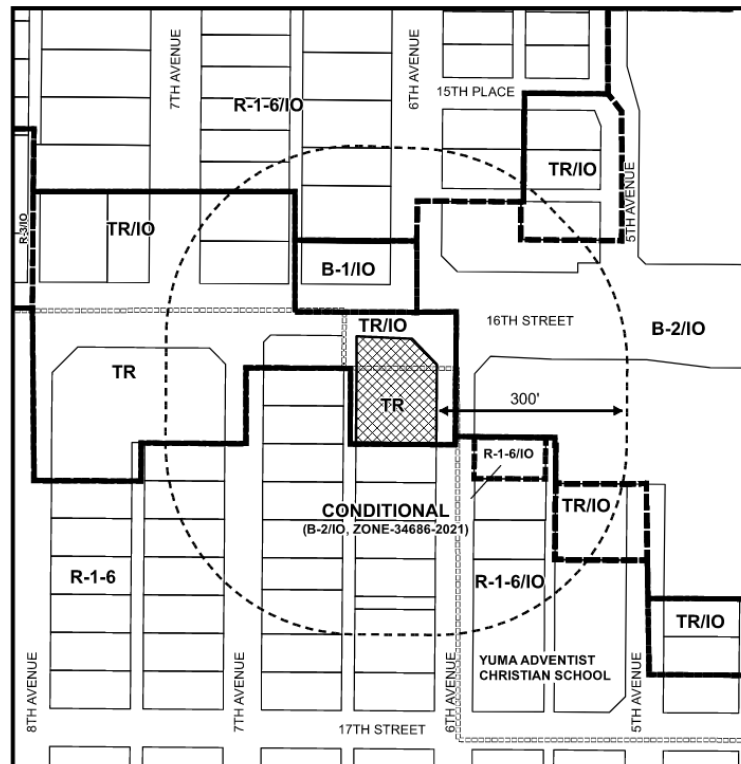
Project

Description/Location:

This is a request by Del Outdoor Advertising, Inc., on behalf of Ortiz Plaza, LLC, for a variance to increase the maximum allowable wall-mounted signage from 24 square feet to 94 square feet in the Transitional/Infill Overlay (TR/IO) District, for the property located at 1606 S. 6th Avenue, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Transitional/Infill Overlay (TR/IO) District	Insurance office	Mixed Use
North	Limited Commercial/General Commercial (B-1/B-2) District	Office	Low Density Residential/Commercial
South	Low Density Residential (R-1-6) District	Single-family Residence	Low Density Residential
East	General Commercial	Undeveloped	Commercial
West	Transitional/Low Density Residential (TR/R-1-6) District	Architect Office/ Single-Family Residence	Mixed Use

Location Map:



Prior site actions: Annexation: Ord. #565 (March 11, 1952); Subdivision: Home Addition (August 19, 1946); Rezone: Ordinance No.O2017-036; Lot Tie of three parcels creating one, 3/27/2019.

Staff recommendation:

Staff recommends **DENIAL** of the request to increase the maximum allowable wall-mounted signage from 24 square feet to 94 square feet in the Transitional/Infill Overlay (TR/IO) District because it does not meet the four criteria of §154-03.04 of the Yuma City Code. Although Staff is not recommending a variance for the aforementioned items, if a variance is granted Staff recommends that the variance be conditioned to include the conditions listed in Attachment A.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)			Yes.
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
BA2002-008	Increase in maximum sign size and height for a freestanding sign.	Disapproval	Denied
BA 28-76	Increase in maximum sign size and height for a freestanding sign.	Approved	Approved, 12/14/1976

Staff Analysis:

The subject property is located on the southwest corner of 16th Street and 6th Avenue and was annexed into the City of Yuma in 1952. The property was recently the subject of a lot tie in 2019, prior to the redevelopment of the site. The lot is approximately .47 acres in size and is subject to the regulations of the Transitional (TR) District.

According to the City of Yuma Code, the Transitional (TR) District allows a maximum of 24 square feet for wall-mounted signage. The purpose of the Transitional District is to provide a transition between residential and non-residential uses. Therefore, it was intended that a smaller sign allowance would have less of an impact on any surrounding residential properties. The subject property is adjacent to commercial development on three sides, with a majority of frontage along one of the most prominent roadways within our community, 16th Street.

With this request, the applicant is requesting a variance to increase the maximum allowable size for a wall-mounted sign from 24 square feet to 94 square feet. The proposed wall mounted sign will be made of LED channel letters mounted on the top center of the north wall of the building. According to the applicant, surrounding commercial businesses within the area have signs equal or larger than what is being proposed; implying that the construction of the sign would have minimal effect on the neighboring property owners.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

A) "There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district."

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: *“American Family Insurance is zoned as traditional limiting the client to a 24sq.ft. wall mounted sign. Urgent Care across 16th Street has a digital LED screen and Sprouts has a nice channel letter LED sign visible from 16th Street.”*

Staff Analysis: The property is located on the southwest corner of 16th street and 6th Avenue. The property is zoned Transitional (TR) District and is adjacent to various commercial uses in the Transitional (TR) District, Limited Commercial (B-1) and General Commercial (B-2) District. Other properties in the district have wall-mounted signs that meet the maximum size for wall-mounted signs but are either adjacent to residential development or other properties in the Transitional District. This property in particular is mainly adjacent to commercial zoning and uses, having minimal impact on surrounding residential development.

B) “The special circumstance was not created or caused by the property owner or applicant.”

Is this statement correct for this application?

☐ Yes

☒ No

Applicant Response: *“Urgent Care and Sprouts both had a sign provision that allowed larger wall mounted signs.”*

Staff Analysis: The commercial development to the north of this property is zoned differently, Limited Commercial (B-1) and General Commercial (B-2). The Sign Code allows the Limited Commercial (B-1) and General Commercial (B-2) Districts to have larger wall-mounted signs when compared to the Transitional (TR) District. In this case, the applicant is requesting to install a wall-mounted sign, 70 square feet larger than the maximum allowed in the Transitional (TR) District. However, the applicant has the ability to install a sign smaller in size which would meet the maximum 24 square foot allowance and still properly identify the use of the building.

C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”

Is this statement correct for this application?

☐ Yes

☒ No

Applicant Response: *“A larger sign will allow drivers on 16th Street legibility giving drivers a better visual of the client’s location. A larger sign serves as an effective business identification”*

Staff Analysis: Property owners in the surrounding area which are subject to the development standards of the Transitional (TR) District are all limited to a total of 24 square feet of sign face area for wall-mounted signage. Other commercial properties which feature increased signage allowances, are located within other commercial zoning designations, and are therefore subject to varying signage allowances.

D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

☒ Yes

☐ No

Applicant Response: *"American Family Insurance is asking for a nice wall mounted sign that architecturally fits their new building along 16th Street. The larger sign will help maintain quality community appearance and enhance the appearance of the business property."*

Staff Analysis: The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare. The sign will be oriented towards 16th Street, opposite the adjacent residential development, and will be made of LED channel letters mounted on the wall. Furthermore, the proposed signage will not obstruct the visibility of oncoming traffic or pedestrians in the area. The sign will complement the size and architecture of the building without harming any of the surrounding properties.

2. Are any of the adjacent property owners opposed to this request? No.

Public Comments Received:

Name:	Virginia Rico			Contact Information:	(928)580-1651					
Method of Contact:	Phone	<input checked="" type="checkbox"/>	FAX		Email		Letter		Other	
Mrs. Rico wanted to know the location and placement of the sign for the requested variance. I informed Mrs. Rico that the sign would be installed on the north wall of the building facing 16 th Street and that the sign would not be oriented towards to the residential development to the south. Mrs. Rico said she was not opposed to the request as it would not affect her property to the south in any way.										

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: 1/31/2023

Final staff report delivered to applicant on: 2/6/2023

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 1/31/2023
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	(If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.)

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Site Plan	Agency Notifications	Site Photo	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Erika Peterson*

Date: 2/1/2023

Erika Peterson
Associate Planner

Erika.Peterson@YumaAZ.Gov (928)373-5000, x3071

Approved By: *Alyssa Linville*

Date: 02/06/2023

Alyssa Linville,
Director of Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director of Planning and Neighborhood Services (928) 373-5000, x 3037:

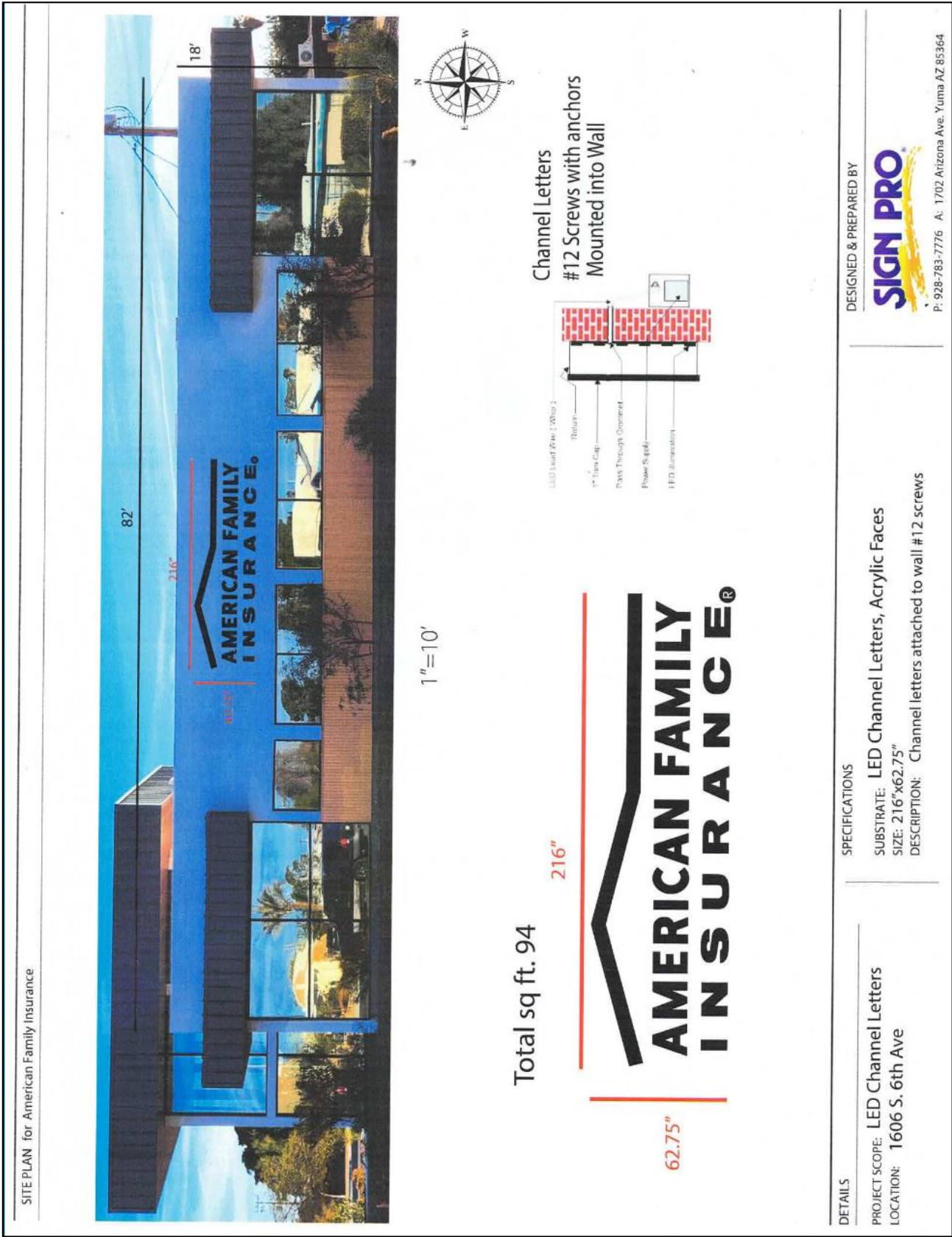
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Erika Peterson, Associate Planner, (928) 373-5000 x3071

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
SITE PLAN



ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (MM/DD/YY)
- 300' Vicinity Mailing: 01/11/2023
- Site Posted on: 02/02/2023
- 34 Commenting/Reviewing Agencies Noticed:
01/11/2023
- Neighborhood Meeting Date: None Required
- Hearing Date: 02/09/2023
- Comments Due: 01/23/2023

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	1/12/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	1/18/23	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	1/12/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	1/13/23	X		
Building Safety	YES	1/12/23	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	1/18/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
SITE PHOTO



ATTACHMENT E
NEIGHBOR NOTIFICATION LIST

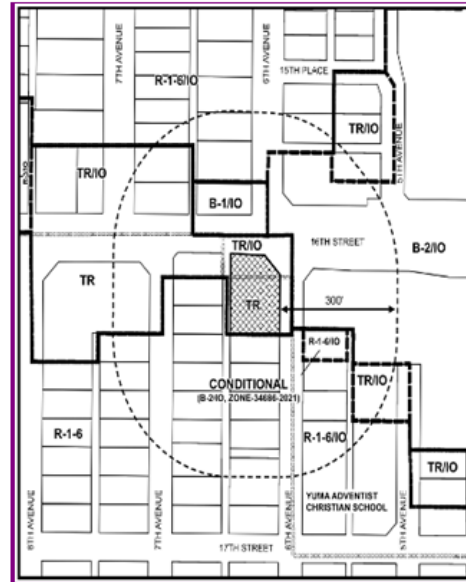
Property Owner	Mailing Address	City/State/Zip Code
ORME LOTT MARILYN J & TATE TRUST 2-11-2020	417 SOUTHBROOK CIR 1570 S 6TH AVE	MANKATO, MN 56001 YUMA, AZ 85364
MORRIS ROBERT J & JEAN ANN TRUST 6-12-2012	PO BOX 123	RICO, CO 81332
FACTUM LLC	PO BOX 2076	YUMA, AZ 85366
YUMA FIELD SERVICES	2557 S 17TH AVE	YUMA, AZ 85364
KAMINO INVESTMENTS LLC	PO BOX 2076	YUMA, AZ 85366
RODRIGUEZ TITO CESAR & BERTHA C JT	1793 W 34TH PL	YUMA, AZ 85365
RUIZ JAMES I	3444 W 21ST LN	YUMA, AZ 85364
APOSTOLIC ASSY OF FAITH IN JESUS CHRIST	PO BOX 1502	YUMA, AZ 85366
AZ CONFERENCE SEVENTH DAY ADVENTISTS	13405 N SCOTTSDALE RD	SCOTTSDALE, AZ 85254
SPENCRAZI LLC	190 S MADISON AVE STE 2	YUMA, AZ 85364
PHILLIPS JUDITH S	PO BOX 650070	DALLAS, TX 75265
GOETTER GLORIA I & ORTIZ PLAZA LLC	PO BOX 989 4648 W 22ND PL	ANN ARBOR, MI 48106 YUMA, AZ 85364
SHIPP MARIA R	645 S 9TH AVE	YUMA, AZ 85364
GARCIA MARIA LILIA	1620 S 7TH AVE	YUMA, AZ 85364
WEBB KATHY W	1624 S 7TH AVE	YUMA, AZ 85364
GUERRERO ESPERANZA H	1628 S 7TH AVE	YUMA, AZ 85364
THOMPSON CHRISTOPHER R & EDNA D JT	4832 W 29TH LN	YUMA, AZ 85364
NUNEZ OLGA	5201 E US HIGHWAY 95 #165	YUMA, AZ 85365
DIAZ PATRICIA AGUILAR	1609 S 7TH AVE	YUMA, AZ 85364
RICO ROBERT G JR & VIRGINIA JT	1608 S 6TH AVE	YUMA, AZ 85364
MURRAY MELISSA & JEREMY JT	2611 N 7TH ST	GARDEN CITY, KS 67846
NANCE EDGAR F JR & KAREN L TRUST 9-19-00	PO BOX 1494	YUMA, AZ 85366
STRICKLIN WAYNE TRUST 9-28-2021	1621 S 7TH AVE	YUMA, AZ 85364
RILLAMAS ROBERT GERARD & DENISE J JT	PO BOX 6850	YUMA, AZ 85366
STRICKLIN WILLIAM N & ROBYN G JT	1621 S 7TH AVE	YUMA, AZ 85364
LEYVA BLANCA E	1616 S 6TH AVE	YUMA, AZ 85364
BRUNO ANTHONY M	1625 S 7TH AVE	YUMA, AZ 85364
GUTIERREZ PATRICIA M & LUIS E	1684 S 6TH AVE	YUMA, AZ 85364
SALAZAR GILBERT	1633 S 7TH AVE	YUMA, AZ 85364
JOHNSON MARY CHRISTINE	1089 W 34TH ST	YUMA, AZ 85365
SMITH JIM D	221 S 2ND AVE STE 1	YUMA, AZ 85364
FRESH INNOVATIONS LLC	701 W 16TH ST	YUMA, AZ 85364
NEELAPPA MALLAPPA & CYNTHIA TRUST 4-14-2001	2204 W 12TH ST	YUMA, AZ 85364

**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by Del Outdoor Advertising, Inc., on behalf of Ortiz Plaza, LLC, for a variance to increase the maximum allowable wall-mounted signage from 24 square feet to 94 square feet in the Transitional/Infill Overlay (TR/IO) District, for the property located at 1606 S. 6th Avenue, Yuma, Arizona.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-40941-2022**

PUBLIC HEARING
2/9/2023 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1606 S. 6th Avenue, Yuma, Arizona, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Diego Arciniega by phone at (928)373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

ATTACHMENT G
AERIAL PHOTO

